

October 27, 2015

The Honorable Rob Bishop  
Chairman  
House Natural Resources Committee  
123 Cannon Building  
Washington, DC 20515

The Honorable Raul Grijalva  
Ranking Member  
House Natural Resources Committee  
1511 Longworth HOB  
Washington, DC 20515

The Honorable John Fleming  
Chairman  
House Subcommittee on Water, Power, and Oceans  
2182 Rayburn HOB  
Washington, DC 20515

The Honorable Jared Huffman  
Ranking Member  
House Subcommittee on Water, Power, and Oceans  
1630 Longworth House Office Building  
Washington, DC 20515

Dear Sirs:

As grassroots organizations representing the interests of thousands of landowners and other interested parties across multiple states, we write you today asking you to support American farmers, landowners, and citizens by protecting them from unprecedented corporate access to federal eminent domain. We're asking that you support the passage of H.R. 3062, the Assuring Private Property Rights Over Vast Access to Lands (APPROVAL) Act. Our organizations, which formed over the past several years in response to Clean Line Energy Partners, LLC's proposed "Clean Line" projects, believe the company's attempted use of Section 1222 does not meet the law's statutory requirements. Furthermore, use of the law to usurp state authority is inappropriate and not in keeping with the spirit of the law; essentially requiring that the federal government act as a land agent on behalf of private corporate interests in defiance of state law and sovereignty.

This situation has the potential to echo through all states in the SWPA and WAPA territories, forcing a unilateral and fundamental shift in the siting and permitting of transmission lines. This potential for federal overreach was specifically cited by the Arkansas Joint Energy Commission in their letter to the Department of Energy earlier this year, and more recently by the entire Arkansas congressional delegation in their letter dated September 14, 2015.

While it may be true that we need to address issues with interstate transmission as a country, clearly the answer is not to upend the existing system in its entirety and rob states of their legal authority to evaluate and permit projects proposed within their own borders. For example, Missouri not only denied Clean Line Energy Partners' application to become a public utility, but also their appeal of that decision. Clean Line should not be allowed to simply ignore those valid state decisions now and ask the federal government to override them, as they have threatened to do.

The APPROVAL Act, though it does not address all of our issues, certainly restores some siting authority to the states, where it has traditionally rested, as well as requiring that projects intended for the "public interest" are sited on public lands whenever possible, thereby properly placing the burden of hosting these projects for the public good on the public who may benefit from them, and removing the burden from individual landowners. Equity requires public sacrifice for the public good. Furthermore, APPROVAL has been endorsed by both the American Public Power Association (APPA) and the National Association of Regulatory Utility Commissioners (NARUC).

It has taken more than a century to build out today's modern electric grid, and we did it without resorting to federal eminent domain. We believe there is no compelling necessity for the federal government to begin seizing private property for new transmission projects. However, we do believe there is a compelling necessity to protect landowners' property rights. We appreciate the opportunity to inform you of our grassroots groups' view of this important issue.

Sincerely,

DocuSigned by:

  
A5FF915807324EA...

David A. Ulery  
Cofounder, BLOCK Plains and Eastern Clean Line

DocuSigned by:

  
C0BE83BEB5EB4CC...

Alison Millsaps  
Cofounder, BLOCK Plains and Eastern Clean Line

DocuSigned by:

  
F8763EC3520F496...

David Buckman  
President, BLOCK Grain Belt Express: Illinois

DocuSigned by:

  
569423639539475...

Russ Piscotta  
President, BLOCK Grain Belt Express: Missouri

DocuSigned by:

  
C1F57E09ED9E41C...

Mary T. Mauch  
President, BLOCK Rock Island Clean Line

DocuSigned by:

  
6A6E474E00974E5...

Don Lowenstein  
President, Missouri Landowner's Alliance

DocuSigned by:

  
A99D9EA49CAA4D6...

Kendra Kleinik  
Vice President, Landowner's Alliance of Central Illinois

DocuSigned by:

  
F9F6EC7FEA534F1...

Joe Gleespen  
Spokesman, Concerned Citizens & Property Owners

CC:

The Honorable Bruce Westerman, House Subcommittee on Water, Power, and Oceans

The Honorable John Boozman

The Honorable Tom Cotton

The Honorable Steve Womack

The Honorable French Hill

The Honorable Rick Crawford